

Exhibit A



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 16
819 Taylor Street, Room 8A24
Fort Worth, TX 76102-6107

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January 30, 2014

MR. MATT HOLDER, ATTORNEY
DAVID VAN OS & ASSOCIATES, P.C.
8705 SHOAL CREEK BOULEVARD, SUITE 116
AUSTIN, TX 78757

Re: Dish Network
Case No. 16-CA-117693

DEAR MR. HOLDER:

We have carefully investigated and considered your charge that **DISH NETWORK CORPORATION and DISH NETWORK** have violated the National Labor Relations Act.

Decision to Dismiss: The charge alleges that the Employer violated Section 8(a)(3) & (4) of the Act by retaliating against its employees through its wage proposals because the Charging Party Union, Communications Workers of America, Local 6171, filed petitions and charges on behalf of the employees. The charge also alleges that the Employer engaged in bad faith bargaining in violation of Section 8(a)(5) of the Act.

The evidence failed to establish a *prima facie* case regarding an 8(a)(3) or 8(a)(4) violation. Concerning the 8(a)(5) allegation, the Union asserts that the Employer's wage proposal is indicative of bad faith bargaining because its proposal is less than employees currently earn and less than the Employer's unrepresented employees who work at other facilities performing the same work. The investigation revealed that over the course of bargaining, the parties reached agreement on eighteen contract articles. Five articles, including wages, remain outstanding. Further, the Employer has increased its wage proposal over the course of negotiations. Upon examination of the conduct of both parties, including actions at and away from the bargaining table, the Employer's actions do not rise to a level of bad faith bargaining.

Because the evidence did not show the Employer violated the Act as alleged, I am refusing to issue complaint in this matter.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlrb.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax or email. To file an appeal electronically, go to the Agency's website at www.nlrb.gov, click on **E-File Documents**, enter the **NLRB Case Number**, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the

General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on **February 13, 2014**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than February 12, 2014. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the **General Counsel in Washington D.C.** by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before February 13, 2014**. The request may be filed electronically through the **E-File Documents** link on our website www.nlrb.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after **February 13, 2014, even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

MARTHA KINARD
REGIONAL DIRECTOR

Enclosure

cc: MR. GABRIEL GONZALEZ,
GENERAL MANAGER
DISH NETWORK CORPORATION
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UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, D.C. 20570

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March 31, 2014

MATT HOLDER, ATTORNEY
DAVID VAN OS & ASSOCIATES P.C.
8705 SHOAL CREEK BLVD STE 116
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Re: Dish Network
Case 16-CA-117693

Dear Mr. Holder:

This Office has carefully reviewed your appeal from the Regional Director's refusal to issue complaint. The appeal is denied substantially for the reasons in the Regional Director's letter of January 30, 2014.

Concerning the Section 8(a)(1) allegations, under the totality of the circumstances here, the evidence failed to establish that the Employer threatened or coerced employees for exercising their Section 7 rights by its statements during bargaining to the Union committee. The evidence revealed that the Employer neither made nor disseminated statements to employees.

Regarding the Section 8(a)(3) and Section 8(a)(4) allegations that the Employer retaliated against employees because of their protected activities by proposing and adhering to its wage proposal, the evidence was insufficient to establish a violation of the Act. Instead, the evidence disclosed that the Employer took no adverse action against employees by proposing and adhering to its proposals. In this same regard, the cases cited in the appeal are distinct as adverse actions occurred.

With respect to the Section 8(a)(5) bad faith bargaining allegation, the Union argues that the Employer's wage proposals are allegedly indicative of bad faith bargaining. However, in reviewing the Employer's overall conduct, this Office found that the Employer's conduct at and away from the table does not rise to the level of bad faith bargaining.